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11 VIDEO SOFTWARE DEALERS ASSOCIATION  
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12

13 UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 VIDEO SOFTWARE DEALERS  
17 ASSOCIATION and ENTERTAINMENT  
18 SOFTWARE ASSOCIATION,

19 Plaintiffs,

20 vs.

21 ARNOLD SCHWARZENEGGER, in his official  
capacity as Governor of the State of California;  
22 BILL LOCKYER, in his official capacity as  
Attorney General of the State of California;  
GEORGE KENNEDY, in his official capacity as  
23 Santa Clara County District Attorney, RICHARD  
DOYLE, in his official capacity as City Attorney  
for the City of San Jose, and ANN MILLER  
RAVEL, in her official capacity as County  
Counsel for the County of Santa Clara,

26 Defendants.  
27

CASE NO. C 05-4188 RMW (RS)

STATEMENT OF RECENT DECISION

Plaintiffs Video Software Dealers Association and Entertainment Software Association respectfully submit this Statement of Recent Decision pursuant to this Court's Local Rule 7-3(d).

On December 2, 2005, following a trial on the merits, the United States District Court for the Northern District of Illinois issued a permanent injunction against the implementation and enforcement of Illinois's Violent Video Games Law. *Entertainment Software Ass'n, et al. v. Blagojevich, et al.*, No. 05 C 4265 (N.D. Ill. Dec. 2, 2005). The Court held, among other things, that Illinois's Violent Video Game Law was subject to strict scrutiny (slip opn. at 32-33), and that it could not pass muster under this standard because, 1) "defendants have failed to present substantial evidence showing that playing violent video games causes minors to have aggressive feelings or engage in aggressive behavior" (*id.* at 36); 2) the state's interest "in preventing developmental or psychological harm to minors . . . does not provide a basis for restricting expression protected by the First Amendment" (*id.* at 38); and 3) the statute was not narrowly tailored to serve its purported purposes.

A true and correct copy of the opinion in *Blogojevich* is attached hereto for the convenience of the Court.

Respectfully submitted,

DATED: December 5, 2005.

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By: \_\_\_\_\_ /s/  
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